


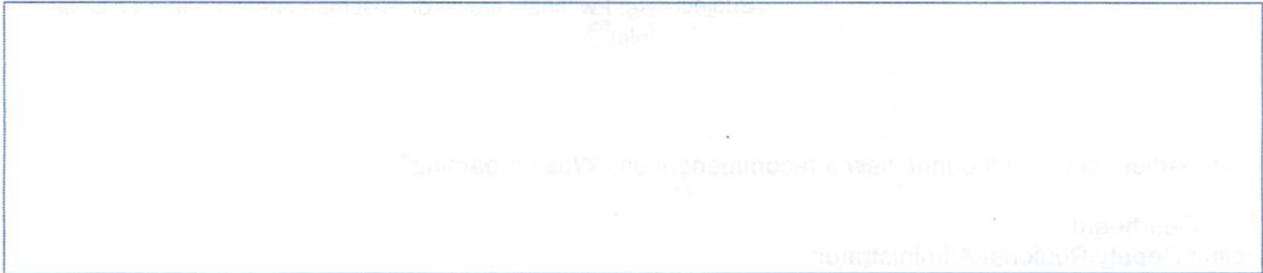


Re: Fw: final version of Sussman briefing paper on Cook Inlet 

David Allnutt to: Courtney Hamamoto

03/26/2009 09:21 AM

Cc: Dianne Soderlund, Hanh Shaw, Marcia Combes, Michael Lidgard,
Michelle Pirzadeh, Mike Bussell, Mike Gearheard, Teddy Ryerson



(b) (5)

~~~~~  
R. David Allnutt, Unit Manager  
Office of Regional Counsel  
U.S. EPA, Region 10  
1200 Sixth Avenue, Suite 900, Mail Stop ORC-158  
Seattle, Washington 98101-3140  
(206) 553-2581  
~~~~~

Courtney Hamamoto/R10/USEPA/US

Courtney
Hamamoto/R10/USEPA/US
03/26/2009 09:59 AM

To Mike Gearheard/R10/USEPA/US@EPA
cc David Allnutt/R10/USEPA/US@EPA, Dianne
Soderlund/R10/USEPA/US@EPA, Hanh
Shaw/R10/USEPA/US@EPA, Marcia
Combes/R10/USEPA/US@EPA, Michael
Lidgard/R10/USEPA/US@EPA, Michelle
Pirzadeh/R10/USEPA/US@EPA, Mike
Bussell/R10/USEPA/US@EPA, Teddy
Ryerson/R9/USEPA/US@EPA

Subject: Re: Fw: final version of Sussman briefing paper on Cook

(b) (5)

Mike Gearheard/R10/USEPA/US




Mike
Gearheard/R10/USEPA/US
03/26/2009 09:51 AM

To Courtney Hamamoto/R10/USEPA/US@EPA
cc David Allnutt/R10/USEPA/US@EPA, Dianne
Soderlund/R10/USEPA/US@EPA, Hanh



Shaw/R10/USEPA/US@EPA, Marcia
Combes/R10/USEPA/US@EPA, Michael
Lidgard/R10/USEPA/US@EPA, Michelle
Pirzadeh/R10/USEPA/US@EPA, Mike
Bussell/R10/USEPA/US@EPA, Teddy
Ryerson/R9/USEPA/US@EPA

Subject Re: final version of Sussman briefing paper on Cook
Inlet 

In an earlier version, I thought saw a recommendation. Was I dreaming?

Mike Gearheard
Acting Deputy Regional Administrator
phone: (206) 553-7151
fax: (206) 553-1809
email: gearheard.mike@epa.gov
Courtney Hamamoto/R10/USEPA/US

Courtney
Hamamoto/R10/USEPA/US
03/26/2009 09:18 AM

To Michelle Pirzadeh/R10/USEPA/US@EPA, Mike
Gearheard/R10/USEPA/US@EPA, Mike
Bussell/R10/USEPA/US@EPA, Teddy
Ryerson/R9/USEPA/US@EPA, Michael
Lidgard/R10/USEPA/US@EPA, David
Allnutt/R10/USEPA/US@EPA, Dianne
Soderlund/R10/USEPA/US@EPA, Marcia
Combes/R10/USEPA/US@EPA, Hanh
Shaw/R10/USEPA/US@EPA

cc

Subject Fw: final version of Sussman briefing paper on Cook Inlet

Here is the Cook Inlet briefing paper for today.

--Courtney

Courtney Hamamoto
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900, MS ORC-158
Seattle, WA 98101
(206) 553-1477

----- Forwarded by Courtney Hamamoto/R10/USEPA/US on 03/26/2009 09:16 AM -----

Pooja Parikh/DC/USEPA/US
03/26/2009 09:15 AM

To Courtney Hamamoto/R10/USEPA/US@EPA
cc

Subject final version of Sussman briefing paper on Cook Inlet



Please circulate to folks on your end. Thanks.



Cook Inlet Sussman Briefing - 3-26.doc

Pooja S. Parikh
U.S. Environmental Protection Agency
Office of General Counsel
Water Law Office (2355A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

**Briefing for Bob Sussman: Cook Inlet NPDES General Permit Litigation
March 26, 2009**

Purpose of Briefing

- Discuss Ninth Circuit Court of Appeals litigation involving challenge by environmental groups to EPA-issued general permit for oil and gas facilities in Cook Inlet, Alaska
- Obtain direction regarding whether to defend this permit or pursue other options. [Note: EPA's brief is due April 15, 2009]

Permit Background

- Region 10 reissued a NPDES general permit covering fifteen existing oil and gas facilities in Cook Inlet, Alaska, on May 25, 2007.
- Permit contains technology-based limits based on national regulation (effluent limitation guideline or "ELG") for coastal oil and gas facilities. The ELG requires zero discharge for all facilities nationwide – except for those in Cook Inlet, which are subject to less stringent limits. In the past, certain environmental petitioners in this case have asked EPA to reconsider the Cook Inlet exemption; EPA has thus far declined to do so. Region 10 is concerned about potential environmental justice implications (due to reliance on subsistence fishing by tribes in Cook Inlet) and government-to-government implications of this issue.
- Permit also contains additional revised water quality-based effluent limits ("WQBELs") for certain pollutants where necessary to meet applicable State water quality standards. These limits are based on "mixing zones" established by the State (areas in which receiving water may exceed water quality criteria). The State-established mixing zones in this permit are larger than in the previous permit, thus some of the water quality-based limits in the reissued permit are less stringent than in the previous permit.
- Permit is currently in effect. Litigants have not moved for a stay of the permit.

Litigation Background

- Trustees for Alaska filed a petition for review on behalf of five environmental/ tribal groups.
- Industry groups also filed a petition for review. Through mediation, we settled the industry petition by agreeing to a permit modification; this case has been dismissed. Industry groups remain intervenors in the environmental petitioners' case

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